

Chapter 2.20

ELECTED OFFICERS

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2.20.010 Elected officers.

The city's elected officers consist of the mayor and four (4) city council members, who together comprise the city council. The city council is the city's legislative branch and its governing body.

2.20.020 Qualifications.

A. Any person who is a registered voter may be a candidate and hold elective office in the city if the person has resided within the city for a period of twelve (12) consecutive months immediately preceding the date of election. In case of an annexation, any person who has resided within the territory annexed for the prescribed 12-month period is deemed to meet the residence requirement for candidacy in the city and district to which the territory was annexed.

B. A candidate for a non-mayoral seat on the city council must be a resident of the district he is seeking to represent when filing for office and (except as otherwise provided by Utah state law) continuously thereafter.

C. A person appointed to fill a vacancy on the city council must have been a resident

of the city for a period of 12 consecutive months immediately preceding such appointment and, in addition, must meet all applicable residence requirements for the district he is appointed to represent.

2.20.030 Mayor.

The mayor shall be elected at large for a four-year term of office, except that the term of office of the city's first mayor following the city's incorporation shall be the term necessary to cause future mayoral elections to occur on the cycle required by Utah state law.

A. The mayor shall be the chairman of the city council, and shall preside at all its meetings.

B. The mayor shall have a vote in all council proceedings.

C. The mayor shall execute all bonds, notes, contracts, and written obligations of the municipality or, in his absence, such documents shall be executed by the mayor pro tempore.

D. The mayor shall be recognized as the chief ceremonial officer of the city and shall represent the city in all of its external relationships.

E. The mayor shall represent the will of the city council. When the mayor acts as spokesperson for the city council, he should speak for the majority of the city council; when speaking for himself in his capacity as an individual member of the city council, the mayor should clearly identify that limited capacity.

2.20.040 Mayor pro tempore.

A. At the first regularly scheduled meeting of the city council in January of even-numbered years, or as soon thereafter as is reasonably practical, the city council, by secret ballot, shall select one of its members to act as the mayor pro tempore during the period of the mayor's inability or refusal to act. Consideration shall be given

to rotate this designation through members of the city council. The designation shall be effective until the first regularly scheduled meeting of the city council in January of the next even-numbered year and until a successor mayor pro tempore is selected and approved by the city council.

B. The duties of the mayor pro tempore shall be limited to presiding over meetings of the city council and to signing official documents and other writings acted upon within that meeting over which he presided, or such writings as are presented to him for signature during the period he is so acting.

C. The mayor pro tempore shall act only in case of the mayor's absence or his inability or refusal to act. Any determination as to the mayor's inability or refusal to act shall be made by vote of the city council.

D. The mayor may request any member of the city council or the city manager to represent the city in one or more of its external relationships. When no designee is so appointed by the mayor, the mayor pro tempore shall represent the city.

2.20.050 City council.

The city council shall be the city's legislative and governing body, and shall adopt such ordinances and resolutions, and take such other actions, as it shall deem proper. The city council shall legislate by passing broad general policy directives and general task assignments of a goal-oriented nature. The city council may review the city manager's performance of the city council's directives, and take such actions as are appropriate to assure the city's council's policies established in its ordinances and resolutions are being accomplished.

2.20.060 Council districts.

The four non-mayoral members of the city council shall be elected to represent the following council districts:

District 1: One council member shall be

elected to represent district 1, shown on Chart 2.220. The representative of this district shall, when filing as a candidate for office and at the time of election and while in office, be a resident of district 1.

District 2: One council member shall be elected to represent district 2, shown on Chart 2.220. The representative of this district shall, when filing as a candidate for office and at the time of election and while in office, be a resident of district 2.

District 3: One council member shall be elected to represent district 3, shown on Chart 2.220. The representative of this district shall, when filing as a candidate for office and at the time of election and while in office, be a resident of district 3.

District 4: One council member shall be elected to represent district 4, shown on Chart 2.220. The representative of this district shall, when filing as a candidate for office and at the time of election and while in office, be a resident of district 4.

2.20.070 City council--Terms of office.

The terms of office for non-mayoral city council members shall be four (4) years. Notwithstanding the foregoing, however, due to (a) the city's incorporation on 14 January 2005; and (b) the requirements of UTAH CODE ANN. §10-2-114(c) to stagger the terms of the council members, elections for the council members representing District 1 and District 2 shall occur in 2007 and every four (4) years thereafter, and elections for the council members representing District 3 and District 4 shall occur in 2009 and every four (4) years thereafter.

2.20.080 Elected officers' responsibility to city manager.

A. The city's elected officers shall support and assist the city manager in accomplishing his appointed duties, including, without limitation, appropriating

adequate funds, psychological support, allocating planning meeting time, and regularly providing clear expressions of the city's council's general policies and goals.

B. The city's elected officers shall fully support the city manager's development and use of his own style and/or techniques of administration to fulfill the will of the city council. No elected officer of the city shall attempt to influence, direct or otherwise interfere with the city manager as to the methods he, in his administrative discretion, chooses to accomplish the task assigned to him. Nothing in this section shall, however, prevent the city manager from seeking the advice of any elected officer as to how best to accomplish the tasks assigned to him.

2.20.090 Interference in administration.

A. No elected officer shall interfere in any way with the performance by the city manager or his subordinates of their duties. No elected officer shall give orders to any subordinate of the city manager, either publicly or privately, but may make suggestions and recommendations to the city manager.

B. Nothing in this section shall prevent the city council from appointing committees of its own members or of citizens to conduct investigations into the conduct of any officer, department or agency of the city government, or any matter relating to the welfare of the city, and delegating to these committees such powers of inquiry as the city council may deem necessary.

2.20.100 Utah municipal election laws adopted.

The city's elections shall be governed by the Utah state law governing municipal elections then in effect, subject to any legally-permissible modifications thereof contained in this code or in any subsequently-adopted ordinance of the city.

2.20.110 Vacancies in elected offices.

An elected official shall continue to hold his office until his successor is duly qualified. An elective office shall become vacant whenever any officer is removed from office pursuant to UTAH CODE ANN. §10-3-1310, becomes incapacitated, resigns, ceases to be a resident of the city or is convicted of a felony. Any mid-term vacancy in elective office in the city shall be filled as provided in UTAH CODE ANN. §20A-1-510.

2.20.120 Campaign financial disclosure.

A. The following definitions shall apply in this section:

1. "*Candidate*" means any person who files a declaration of candidacy for an elective office of the city; or who is nominated by a committee or party; or who receives contributions or makes expenditures or consents to another person's receiving contributions or making expenditures with a view to bring about such person's nomination or election to such office; or who causes, in his behalf, any written material or advertisement to be printed, published, broadcast, distributed, or disseminated that indicates an intention to seek office.

2. "*Contribution*" means a gift of cash or non-monetary items, such as in-kind contributions and contributions of tangible items, but shall not include personal services provided without compensation by individuals volunteering time in behalf of a candidate.

3. "*Day*" means a calendar day, provided that if the day of an event falls on a Saturday, Sunday or legal holiday, the due date shall be moved to the next business day.

4. "*Election*" means primary, general, and final elections.

5. "*Expenditure*" means a purchase, payment, distribution, loan, advance,

deposit, gift of money, or anything of value made for the purpose of influencing the nomination or election of any candidate.

6. "Reporting date" means:

(a) ten days before a municipal general election, for a campaign finance statement required to be filed no later than seven days before a municipal general election; and

(b) the day of filing, for a campaign finance statement required to be filed no later than 30 days after a municipal primary or general election.

B. Each candidate for elective office in the city shall file with the city recorder a signed, dated, and sworn campaign financial statement that complies with the provisions of this section.

C. *Time for filing disclosure statements:*

1. The statements required by this section shall be filed no later than seven days prior to any election and within 30 days following any final election.

2. Candidates for elective office who are eliminated at a primary election shall file a signed campaign financial statement containing the information required by subsection 2.20.120(D)(2) within 30 days following the primary election.

3. A campaign finance statement required under this section shall be considered filed if it is received in the recorder's office by 5 p.m. on the date that it is due.

D. *Contents of disclosure statements:*
Subject to subsection E of this section,

1. The statement filed seven days prior to an election shall include:

(a) A list of each contribution of more than \$50 received by the candidate, and the name of the donor;

(b) An aggregate total of all contributions of \$50 or less received by the candidate; and

(c) A list of each expenditure for political purposes made during the campaign

period, and the recipient of each expenditure.

2. The statement filed within 30 days following any final election shall include:

(a) A list of each contribution of more than \$50 received after the cutoff date for the statement filed seven days before the election, and the name of the donor;

(b) An aggregate total of all contributions of \$50 or less received by the candidate after the cutoff date for the statement filed seven days before the election; and

(c) A list of all expenditures for political purposes made by the candidate after the cutoff date for the statement filed seven days before the election, and the recipient of each contribution.

E. If the candidate receives \$500 or less in campaign contributions and spends \$500 or less on the candidate's campaign, then, in lieu of the information under subsection D of this section, the disclosure statement shall report the total amount of all campaign contributions and expenditures.

F. The statements required by this section shall be public records, available for public inspection and copying during regular city business hours, within one business day after the statement is filed.

G. Any person who fails to comply with this section is guilty of an infraction, in addition to the following:

1. If a candidate fails to file a campaign finance statement before the municipal general election by the deadline specified above, the recorder shall inform the appropriate election official who:

(a) shall:

(i) if practicable, remove the candidate's name from the ballot by blacking out the candidate's name before the ballots are delivered to voters; or

(ii) if removing the candidate's name from the ballot is not practicable, inform the voters by any practicable method that the

candidate has been disqualified and that votes cast for the candidate will not be counted; and

(b) may not count any votes for that candidate.

2. Notwithstanding the foregoing, a candidate who files a campaign finance statement seven days before a municipal general election is not disqualified from the election if:

(a) the statement details accurately and completely the required information, except for inadvertent omissions or insignificant errors or inaccuracies; and

(b) the omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.